

Agency 127

Kansas Housing Resources Corporation

Articles

127-1. DWELLINGS CONSTRUCTED WITH PUBLIC FINANCIAL ASSISTANCE; ACCESSIBILITY STANDARDS.

Article 1.—DWELLINGS CONSTRUCTED WITH PUBLIC FINANCIAL ASSISTANCE; ACCESSIBILITY STANDARDS

127-1-1. Request for waiver from accessibility standards. (a) “Director” means the director of the division of housing in the Kansas development finance authority or a designee.

(b)(1) Each application for a waiver of an accessibility requirement established by K.S.A. 58-1402, and amendments thereto, shall be submitted to the director in writing. The application shall identify the following:

(A) The specific accessibility standard or standards for which the applicant is requesting a waiver;

(B) the street address of the dwelling for which the waiver is requested, as well as the city and county in which the dwelling is located;

(C) the public financial assistance program used to assist in financing the construction of the dwelling; and

(D) the reasons for the requested waiver.

(c)(1) Each application for a waiver based on financial impracticality shall include a notarized estimate of the costs of complying with the accessibility standard or standards for which a waiver is requested. The estimate shall be provided by a residential builder or contractor qualified by experience with projects of a similar size and scope.

(2) Each application for a waiver based on en-

vironmental impracticality shall include an official topographical map depicting those natural hazards of the dwelling site that make it impracticable to comply with the accessibility standard or standards for which a waiver is requested. Full compliance shall be considered environmentally impractical only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. If full compliance is determined environmentally impracticable, any portion of the facility that can be made accessible shall continue to be subject to the accessibility standard or standards for which a waiver is requested.

(d) The proceedings for consideration by the director of each request for a waiver shall not be subject to the Kansas administrative procedure act. Following a review of the application for a waiver, additional information and documentation pertaining to the basis for the requested waiver may be requested by the director. Within 60 days of the date on which the director receives the application for a waiver, written notice of the director’s determination regarding the waiver application shall be provided to the applicant. The written determination shall provide notice of the applicant’s right to review of the determination under K.S.A. 77-601 *et seq.*, and amendments thereto. (Authorized by K.S.A. 2004 Supp. 58-1405 and 58-1407; implementing K.S.A. 2004 Supp. 58-1405; effective June 3, 2005.)